



FLEXIBLE CONTRACTING OPTIONS FOR SECURITY MAINTENANCE

A Guide to Creating a Tribal 8(a) Sole Source IDIQ

Table of Contents

1. Understanding the 8(a) Program
2. Eligibility and Qualification Criteria
3. Preparation and Documentation
4. Steps to Award a Sole Source 8(a) IDIQ Contract
5. Conclusion
6. Sample SBA letter

Introduction

This white paper provides a step-by-step guide for contracting officers on how to award a sole source Indefinite Delivery, Indefinite Quantity (IDIQ) contract to a tribally owned 8(a) company. The process is detailed with references to the Federal Acquisition Regulation (FAR) to ensure compliance and clarity.

Understanding the 8(a) Program

The 8(a) Business Development Program is designed to help small, disadvantaged businesses compete in the marketplace. It offers a broad scope of assistance to firms that are owned and controlled at least 51% by socially and economically disadvantaged individuals, including tribally owned entities.

Key Advantage Points:

Tribally owned 8(a) firms benefit from unique advantages:

- The ability to receive sole source contracts of higher thresholds without justification. \$25,000,000 for Civilian agencies and \$100,000,000 for DoD.
- Non Protestable
- Flexibility and rapid acquisition execution
- Direct negotiation allows the government to articulate their requirements through an open discussion, this afford the government and contractor the ability to talk about technical capabilities, risk levels, and cost in an open frank conversation.
- Greater leverage with the manufacturer community because of pooled buying power

Eligibility and Qualification Criteria

To qualify for a sole source 8(a) IDIQ contract, the firm must meet the following criteria:

- **Be a certified 8(a) participant**
- **Be 51% or more owned by a federally recognized tribe**
- **Demonstrate capacity and capability to perform the contract**

Preparation and Documentation

Create a scoping document that describing the Government's requirements.

Steps to Award a Sole Source 8(a) IDIQ Contract:

Step 1: Identification of Requirement

- Define the requirement and create scope of an IDIQ contract.

Step 2: Preparation of Offering Letter

- Draft an offering letter to the SBA, outlining the requirement and the selected tribally owned 8(a) firm (FAR 19.804-2).

Step 3: Submission to SBA

- Submit the offering letter to the SBA for review and acceptance (FAR 19.804-3).

Step 4: SBA Acceptance

- Upon SBA's acceptance, proceed with the acquisition process. Ensure all communications and documentation comply with FAR Part 19.

Step 5: Negotiation

- Negotiate terms and conditions with the 8(a) firm. Ensure that the contract terms comply with FAR Part 15 (Contracting by Negotiation).

Step 6: Contract Award

- Award the IDIQ contract following the guidelines in FAR 16.504 and ensure proper documentation of the award process.

Step 7: Post-Award Administration

- Manage the contract in accordance with FAR Part 42, ensuring performance is monitored and any issues are addressed promptly.

5. Conclusion

Awarding a sole source 8(a) IDIQ contract to a tribally owned 8(a) company is encouraged and an excellent contracting option for the FPS. By following the steps outlined in this guide, contracting officers can ensure a compliant and efficient procurement process.

SAMPLE SBA LETTER

[Date]

[Recipient's Name]

[Recipient's Title]

Small Business Administration

[Office Address]

Subject: 8(a) Sole Source Offering Letter for

Dear [Recipient's Name],

In accordance with the Federal Acquisition Regulation (FAR) Part 19.804-2, the DHS FPS is offering the following requirement to the U.S. Small Business Administration (SBA) for acceptance into the 8(a) Business Development Program on a sole source basis.

1. Description of the Work:

The proposed contract for....

2. Type of Contract:

Describe what types on contract awards FFP, T&M, Cost Plus .

3. Estimated Value:

The estimated total value of the requirement, including options, is not to exceed \$.

4. Technical Data:

Attached are relevant technical data and information necessary for the SBA to make an informed business decision.

5. Acquisition History:

This requirement has previously been performed by [incumbent contractor's name and address]. A brief description of their performance is as follows: [performance description].

6. Justification for Sole Source:

The requirement is suitable for a sole source award to a Tribal 8(a) firm due to....

7. Bonding Requirements:

There are no bonding requirements for this IDIQ, in the event it is required it will not exceed the ceiling of the IDIQ.

8. Performance Locations:

The primary place of performance will be

9. SIC or NAICS Code:

For installation and maintenance services for security systems, the appropriate SIC code is **XXX**, and the appropriate NAICS codes is **XXXXXX**.

We anticipate your acceptance of this offer and look forward to working with [Contractor Name] on this critical project. Should you have any questions or require additional information, please contact [Contact Name, Title, Phone Number, Email].

Sincerely,

[Name]

[Agency]

[Title]

[Contact Information]